

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|-----------------------|---|--------------|
| MACDONALD TAYLOR | : | CIVIL ACTION |
| Petitioner | : | |
| | : | |
| v. | : | NO. 11-7702 |
| | : | |
| PATHMARK INC., et al. | : | |
| Respondents | : | |

ORDER

AND NOW, this 11th day of March, 2013, upon consideration of the “Motion for Summary Judgment of Defendant, Advanced Snow and Ice Removal (Properly Known as Advanced Service Solutions, Inc., t/a Advanced Snow and Ice Solutions)” (Doc. 31), “Plaintiff’s Response to Motion for Summary Judgment of Defendant, Advanced Snow and Ice Solutions” (Doc. 34), and the oral argument held on February 4, 2013, as well as “Plaintiff’s Motion for Leave to File First Amended Complaint” (Doc. 43), the “Answer of Defendants, Grassman [], to Plaintiff’s Motion for Leave to File an Amended Complaint” (Doc. 46), “Defendant’s, Advanced Snow and Ice Removal [], Answer in Response to Plaintiff’s Motion for Leave to File First Amended Complaint” (Doc. 47), “Plaintiff’s Motion for Stay of the Pending Motion for Summary Judgment of the Defendant Advanced Snow and Ice Solutions” (Doc. 44), the Defendants responses thereto (Docs. 45, 48), and for the reasons set out in the Memorandum Opinion filed on this same date, it is hereby **ORDERED** that:

1. “Plaintiff’s Motion for Leave to File First Amended Complaint” (Doc. 43) is **GRANTED**.
2. “Plaintiff’s Motion for Stay of the Pending Motion for Summary Judgment of the Defendant Advanced Snow and Ice Solutions” (Doc. 44) is **DENIED AS MOOT**.

3. “Motion for Summary Judgment of Defendant, Advanced Snow and Ice Removal (Properly Known as Advanced Service Solutions, Inc., t/a Advanced Snow and Ice Solutions)” (Doc. 31) is **GRANTED** as to Count Two: Breach of Contract.

In light of our decision to grant “Plaintiff’s Motion for Leave to File First Amended Complaint,” we file a “Second Amended Scheduling Order” on this date to provide for a brief extension of discovery for the remaining claim; Count Three, Negligence, as well as to provide for the dates by which any further dispositive motions or motions *in limine* must be submitted.

BY THE COURT

/s/ David R. Strawbridge
DAVID R. STRAWBRIDGE
UNITED STATES MAGISTRATE JUDGE